

Petroleum Storage Tank

Committee Meeting

December 12, 2008

Public Handouts



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Petroleum Storage Tank Bureau

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RON CURRY
Secretary

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Deputy Secretary

JIM NORTON
Director

**AGENDA
STORAGE TANK COMMITTEE MEETING
Friday, December 12, 2008
10:00 AM – 12:00 PM
Toney Anaya Building
Rio Grande Room, Second Floor
2550 Cerrillos Rd, Santa Fe, 87504**

The following items are for discussion and possible action:

- Item # 1** Roll Call
- Item # 2** Approval of the Agenda
- Item # 3** Approval of September 25, 2008 Meeting Minutes
- Item # 4** Update of Corrective Action Fund: Marlene Cordova – 15 minutes
- Item # 5** Update on Remedial Action Sites: Joyce Shearer – 15 minutes
- Item # 6** Update on Prevention and Inspection Program: Kal Martin – 15 minutes
- Item # 7** Update on Rule Revision and Fee Collection: Jennifer Pruett – 15 minutes
- Item # 8** Other Business
- Item # 9** Next Meeting – TBA
- Item # 10** Adjournment

September 2008

10/1/2023	9	13,431,473	\$ 1,463,366		
			\$ (1,731,073)		
			\$ 13,169,766		

* Funds from CAF to cover CAF Admin. (salaries & assoc. costs) and HB19 transferred monthly based on 1/12 of approved budget

\$ 3,335,781	\$ 3,993,215	\$1,978,365
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September 2008

5,703

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Corrective Action Fund Update October 2008

	Beginning Cash	Additions to Cash	Deductions to Cash	Ending Cash
September Ending Cash	13,169,766	PPL Fee [▲] \$ 1,446,987	Payments (\$979,320)	
Due to Fund		* \$ 859,080		
Cash ZBA		\$ 1,901	Operating Transfers* \$ (737,117)	
TOTALS	\$ 13,169,766	\$ 2,307,968	\$ (1,716,437)	\$ 13,761,297

\$ 1,000,000 (Reserve)
8,615,512 (Workplan Liabilities)
\$ 4,145,785 (Unobligated)

▲ 7-13A-3(C)(4) NMSA 1978 or \$150/load
▲▲ Reserve in 20 NMAC 5.15.1505
▲▲▲ as described in Section 7-13A-3(E) NMSA 1978

* Funds from CAF to cover CAF Admin. (salaries & assoc. costs) and HB19 transferred monthly based on 1/12 of approved budget
* Due from Fund 064 for expenditures that did not materialize in FY07

Month	# of	Monthly Activity				Yearly Activity Comparison			
		FY09 Workplan Approval	State Lead	# of	Resp. Party	SLAddenda	RPAddenda	Y-T-D FY09	Y-T-D
July-08	7		\$465,602	16	\$803,505	\$0	\$4	Workplan Approvals	
August-08	5		\$412,005	23	\$547,417	\$0	\$0	SL	
September-08	4		\$415,890	20	\$694,740	\$0	\$38	RP	
October-08	2		\$43,558	24	\$461,217	\$0	\$42	Y-T-D FY08	\$3,844,017
November-08								Workplan Approvals	
December-08								SL	
January-09								RP	
February-09								Y-T-D FY07	\$2,981,112
March-09								Workplan Approvals	
April-09								SL	
May-09								RP	
June-09								Y-T-D FY08	\$3,920,390
Y-T-D Total	18		\$1,337,055	83	\$2,506,879	\$0	\$83	Y-T-D 09	
		Payments						Payments	
SL		\$296,624						\$ 641,326	\$ 605,528
RP		\$682,696						\$ 4,280,294	\$2,444,961
								\$ 4,921,620	\$3,050,489

October 2008

TOTAL
\$5,974,745
\$6,088,748
\$2,948,467
\$ 7,604
\$ 859,080

FY07 CAF revenue collections used for 30% budget available calculation, pursuant to Section 74-6B-7 NMSA 1978, is \$19,199,372.00.

*\$737,117 is the 1/12th budget transfer from the CAF to the Department's Operating Fund for FY09 to match departmental federal grants pursuant to Section 74-6 and to cover CAF administrative expenses and department water needs.

Corrective Action Fund Update
November 2008

	Beginning Cash	Additions to Cash	Deductions to Cash	Ending Cash
October Ending Cash	13,761,297	PPL Fee ^{AA} \$ 1,453,981	Payments (\$518,484)	
Cash ZBA		\$ 1,901	Operating Transfers* \$ (737,117)	
TOTALS	\$ 13,761,297	\$ 1,455,882	\$ (1,255,600)	\$ 13,961,579

\$ 1,000,000 (Reserve)
9,661,946 (Workplan Liabilities)
\$ 3,299,633 (Unobligated)

^A 7-13A-3(C)(4) NMSA 1978 or \$150/load
^{AA} Reserve in 20 NMAC 5.15.1505
^{AAA} as described in Section 7-13A-3(E) NMSA 1978

*Funds from CAF to cover CAF Admin. (salaries & assoc. costs) and HB 19 transferred monthly based on 1/12 of approved budget

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July-08	7		\$465,602	16	\$803,505	\$0	\$4	Workplan Approvals	
August-08	5		\$412,005	23	\$547,417	\$0	\$0	SL	
September-08	4		\$415,890	20	\$694,740	\$0	\$38	RP	
October-08	2		\$43,558	24	\$461,217	\$0	\$42	Y-T-D FY08	\$5,432,771
November-08	5		\$870,833	26	\$717,920	\$0	\$0	Workplan Approvals	
December-08								SL	
January-09								RP	
February-09								Y-T-D FY07	\$3,716,598
March-09								Workplan Approvals	
April-09								SL	
May-09								RP	
June-09								Y-T-D FY08	\$5,103,264
Y-T-D Total	23		\$2,207,888	109	\$3,224,799	\$0	\$83	Payments	
SL								Y-T-D 08	
RP								Payments	
								\$ 999,302	\$ 749,003
								\$ 5,821,337	\$3,715,901
								\$ 6,820,639	\$4,464,904

November 2008

TOTAL
\$5,974,745
\$7,542,729
\$3,685,584
\$9,505
\$859,080

*\$737,117 is the 1/12th budget transfer from the CAF to the Department's Operating Fund for F-Y09 to match departmental federal grants pursuant to Section 74-6 and to cover CAF administrative expenses and department water needs.

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[illegible][illegible]

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NOVEMBER 2008 RP WORKPLANS									
Facility Name	Location	Phase	Facility #	SID #	WPID #	Approved Amount	Date	PM	Date Entered
Bell Gas # 1186	Alto	MSA	912	4547	15332	\$ 62,346.00	11/03/08	TCS	11/05/08
Beacon Truck Stop # 654	Palomas	Ph 1	28285	1624	15333	\$ 6,825.00	11/04/08	GB	11/05/08
Lea County Electric Coop	Lovington	Ph 3	29060	4435	15328	\$ 32,005.52	11/03/08	DRR	11/05/08
Highway 70 Truckstop	Portales	Ph 5	28692	2023	15331	\$ 11,676.85	11/03/08	TCS	11/05/08
Former Cardlock # 2 Site	Farmington	MSA	29220	2319	15327	\$ 20,828.59	11/03/08	TL	11/05/08
Save Gas # 1	Lordsburg	Ph 1	30498	4447	15329	\$ 47,826.56	11/03/08	DU	11/05/08
Mr. Gas # 282	Springer	Ph 1	29497	4439	15334	\$ 15,200.00	11/06/08	JK	11/10/08
Halfpurnton Energy Services	Artesia	Ph 5	28450	326	15335	\$ 26,600.00	11/06/08	TCS	11/10/08
R.C. Sanders Trucking	Las Cruces	Ph 4	30116	2782	15109	\$ 5,930.00	11/13/08	DU	11/18/08
Thriftway # 264	Black Hat	Ph 1	30722	3317	15340	\$ 21,646.58	11/18/08	BF	11/18/08
A.s 7 -11 Mini Mart	Fairview	Ph 1	26333	4043	15336	\$ 24,336.86	11/17/08	GB	11/18/08
Ray's Garage	Dallil	Ph 1	30165	2281	15341	\$ 5,259.32	11/18/08	GB	11/18/08
Midtown Chevron	Las Cruces	Ph 2	28069	3515	15339	\$ 450.00	11/17/08	JK	11/18/08
Eagle Guest Ranch	Dallil	Ph 1	27454	2144	15343	\$ 4,838.23	11/18/08	GB	11/18/08
Texaco Station	Watrous	Ph1	1869	1623	15337	\$ 14,421.92	11/17/08	SVG	11/18/08
Mogern's Garage	Watrous	Ph 1	29439	1189	15338	\$ 14,686.79	11/17/08	SVG	11/18/08
Lea County Electric Coop	Lovington	Ph 5	29060	4435	15346	\$ 83,406.40	11/18/08	DRR	11/20/08
Lee County Electric Coop	Lovington	Ph 4	29660	4435	15345	\$ 205,293.68	11/18/08	DRR	11/20/08
Rio Pecos Texaco	Encino	Ph 2	31575	834	15342	\$ 22,725.00	11/18/08	TL	11/20/08
Navajo Lodge	Dallil	Ph 1	29578	2606	15344	\$ 5,259.32	11/18/08	GB	11/20/08
Cordova Feed and Tack	San Ysidro	Ph 5	27525	1158	15347	\$ 38,898.92	11/20/08	DB	11/21/08
Jose Gurriteo Texaco Site	Cuba	MSA	28425	3616	15268	\$ 28,419.00	11/21/08	TW	11/24/08
R.C. Sanders Trucking	Las Cruces	Ph 4	30116	2782	15311	\$ 7,620.08	11/24/08	DU	11/30/08
La Linda Texaco Site	Gallup	Ph 2	29587	2799	15348	\$ 5,065.63	11/24/08	TL	11/30/08
La Linda Texaco Site	Gallup	Ph 4	29587	2799	15309	\$ 2,531.69	11/03/08	BF	11/30/08
Old Conoco	Albuquerque	Ph 1	29223	307	15330	\$ 3,820.33	11/03/08	BF	11/30/08

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**STATE OF NEW MEXICO ENVIRONMENT DEPARTMENT
STORAGE TANK COMMITTEE**

**State Personnel Building
Leo Griego Auditorium
2600 Cerrillos Road
Santa Fe, NM 87505**

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Minutes of the September 25, 2008 Meeting

The meeting of the Storage Tank Committee ("Committee") was held at the NM State Personnel Building, Leo Griego Auditorium, Between Camino Carlos Rey & Luana St. next to the Mazda Dealership, Santa Fe, New Mexico 87505 on Thursday 25, 2008. Chair Jim Norton called the meeting to order at 10:03 a.m.

Members Present:

Jim Norton, Chair
Ryan Briggs, STC Member
Paul Aguilar, STC Member
Ruben Baca, STC Member
Ronnie Pynes, STC Member
Joseph Chavarria, STC Member

Other Persons Present:

Jim Davis, NMED/PSTB
Kalvin Martin, NMED/PSTB
Joyce Shearer, NMED/PSTB
Susan Von Gotten, NMED/EPD
Marlene Cordova, NMED/EPD
Cathy Atencio, NMED/PSTB
Leann Chavez, NMED/PSTB
Lorena Goerger, NMED/PSTB
Jennifer Pruett, NMED/PSTB

Joe Galemore, INTERA
Pinv Stout, ENIPC
Brad Billings, BAI
Paul Karas, CDM
Wade Pulido, NMDOT

Item #1 Roll Call

The PSTC Administrator took the roll and noted a quorum was present.

Item #2 Approval of the Agenda

The Chair stated that Mr. Davis requested he would like to brief the Committee on the Hazardous and Radioactive Committee Meeting he attended in Carlsbad last Monday. The Chair asked that this briefing could take place in Item #8 Other Business. A motion was called.

Motion:

Mr. Baca moved to amend the Agenda

Mr. Aguilar seconded. Motion passed unanimously.

Item #3 Approval of Minutes

The Chair asked if there were any changes in the minutes. Since there were no changes to the minutes a motion was called.

Motion:

Mr. Pynes moved to approve the Minutes

Mr. Chavarria seconded. Motion Passed unanimously

Item #4 Update of Corrective Action Fund:

Ms. Marlene Cordova started with an update for the month of July.

July

Beginning Cash - \$ 14,069,434

Loading Fee - \$ 1,567,983

Payment - \$ (814,313)

Operating Transfer - \$ (737,117)

Ending Cash - \$ 14,087,888

Reserve - \$ 1,000,000

Work plan liabilities - \$ 10,233,518

Un-obligated - \$ 2,854,370

Ms. Cordova noted that a cash deposit of \$ 1,901 was made by Thriftway; she also noted that the new amount of (\$737,117) would be the Operating Transfer amount for the remainder of the year.

The Bureau has also attached the breakdown of the operating budget as it pertains to House Bill 19, by Division and Bureau and what each will be receiving for this fiscal year.

Ms. Cordova asked the Committee if they liked the current format or if they wanted it incorporated in the spreadsheet.

The Chair then put this question to the Committee.

Mr. Baca asked for columns to be added to show the match of federal funds.

The Chair stated this can be provided at the next meeting.

Mr. Baca had a question on Office of General Counsel in the HB19 breakdown and what it was used for.

Mr. Davis responded that other Bureau's can draw from this area when it is in regards to litigation where lawyers are needed for the water programs.

August

Beginning Cash - \$ 14,087,888

Loading fee - \$ 1,612,312

Payment - \$ (1,527,512)

Operating Transfer - \$ (737,117)

Ending Cash - \$ 13,437,473

Reserve - \$ 1,000,000

Work plan liabilities - \$ 8,777,292

Un-obligated - \$ 3,660,181

Ms. Cordova noted that a cash deposit of \$ 1,901 was made by Thriftway. Ms. Cordova wanted to make the Committee aware that on the second page regarding the petroleum products loading fee transfer, there was a reduction from 1.6 to 1.4 million.

Mr. Davis wanted to stress that there are some fluctuation of PPL receipts naturally.

The Chair asked Mr. Baca if he had noticed any drop off in product sales.

Mr. Baca responded probably at the national level a 7% reduction, he stated that some parts of the country are below ours but mainly the national average is 7%. He also stated that this was due to the economy and how it has slowed down.

Ms. Cordova also stated that another HB19 breakdown was attached at the end of August as well.

The Committee decided that they did not need this information for every meeting but would like to see the amount of federal grant matches.

Mr. Davis stated that there are some programs that receive their grants on a federal fiscal year basis which is October 1 to September 30. He stated typically the matched amounts don't

change. The total dollar amounts in grants can change from one year to the next. All of this information will be displayed in the spreadsheet for the next meeting.

Mr. Chavarria wanted to know if any of the grants close out at the end of the fiscal year or are the State set asides continuous.

Mr. Davis responded that various Bureaus in the department apply for grants on an annual basis, so they always start and stop on an annual basis. Yet they also continue one year to the next. What happens is Congress appropriates a different amount, and then Dallas goes through it and the department may receive more or less federal money as a result. Federal grants do continue from year to year, but the department does have to apply for them each time.

The Chair asked if there were any other questions, since there were none the Committee moved on.

(Handouts provided; see www.nmenv.state.nm.us/pstc for entire monthly report)

Item # 5 Update on Remedial Action Sites

Joyce Shearer, Remedial Action Program Manager, presented a report on Remedial Action Sites and provided spreadsheets for approved work plans.

Work plan approvals for July 2008;

16 RP Workplan approvals:	\$ 803,505.48	7 SL	Workplan approvals:	\$465,601.55
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1 RP Addendums:	\$ 4.07	0 SL	Addendums:	\$ 0.00
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Totaling:	\$ 803,509.55	Totaling:	\$ 465,601.55
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Monthly grand total of \$1,269,111.10

Ms. Shearer stated that in July RP the Bureau approved \$556,163.00 for Midway Chevron in Sapello. This was for installation of a multi phase extraction system to cleanup gasoline that was traveling towards the river.

Ms. Shearer stated that for SL, the Bureau approved \$420,323.39 for the Marvin Burrows site in Milan to upgrade the remediation system there. The Bureau is hopeful with this upgrade they will be able to get this site cleaned up in a couple of years.

Mr. Baca asked about the second listing in the July RP Workplan report. He wanted to know what United Fuel & Energy Sand Point Landfill was.

Ms. Shearer replied that they had a fuel tank at the landfill that leaked.

Mr. Baca asked the same question about Roswell Wool and Mohair.

Ms. Shearer replied that that was an old site that had a single tank that leaked, and the Bureau is close to closing it.

Mr. Baca wanted to know how close the Bureau was to closing the SL site Indian Hills /Canyon Auto.

Ms. Shearer responded that they were still operating a pump and treat system there. The Bureau just recently approved a pilot test to do a soil-vapor extraction test to see if they can remove some of the contamination from the soil so that it stops contaminating the water. She stated that it is now much better than it was. Two years ago they were supplying water to eight households now they are down to one. The other households have been able to start using their wells again.

Mr. Baca wanted to know if these people had a community water system or was it individual.

Ms. Shearer responded that they are individual wells.

Mr. Chavarria wanted to know if a phase 5 was the last phase to completion.

Ms. Shearer explained that a phase 5 was typically either operation, and maintenance or monitoring. The closure would depend on the site. If the Bureau determines that the appropriate methodology for cleaning the site is natural attenuation, it could be in phase 5 for many years.

Mr. Chavarria asked if the sites in a phase 5 were in this general average of spending.

Ms. Shearer responded operation and maintenance of a system occurs in phase 5 so that could be relatively high cost, compared with annual monitoring.

Mr. Davis used an example of the Marvin Burrows Site for a cost example, stating that the remediation system at this site was put in five years ago, yet the Bureau has very high operational maintenance cost. They move around equipment, they drill new wells, this is very expensive equipment.

Ms. Shearer gave an update on a meeting that she attended in Milan, New Mexico, regarding Marvin Burrows Site. She stated the residents around the Burrows Site requested that the Bureau update them on their progress on the site. The residents concerns were mostly about the noise coming from the site. She stated the Bureau is making an extra effort to dampen the noise with sound suppression equipment.

Mr. Pynes wanted to thank the Bureau for taking the time to come out to Milan to address the concerns of the residents. He also would like the Bureau to have another update with residents in another four months.

Work plan approvals for August 2008;

23 RP Workplan approvals: \$ 547,416.79

5 SL Workplan approvals: \$ 412,005.27

0 RP Addendums: \$ 0.00

0 SL Addendums: \$ 0.00

Totaling: \$ 547,416.79

\$ 412,005.27

Monthly grand total of \$959,422.06

Mr. Pynes asked for an update on the Ready for Reuse Program

Ms. Shearer stated that the Bureau was finishing up the regulations for this program and waiting for EPA to sign off on the first Ready for Reuse certificate that we have.

Mr. Pynes wanted to know the time frame on this

Mr. Davis furthered the update by saying that the Bureau was finalizing the language into the rules, however rule adoption takes time. The Bureau would not actually have that language adopted until next summer. The Bureau has also thought about removing the EPA signature.

The Chair wanted to know if the holdup was at EPA right now

Mr. Davis stated the initial package that the Bureau has put together as a test case is at EPA

The Chair wanted to know once the regulations are in place, how many sites will be able to utilize this process.

Mr. Baca responded that this will be a very good thing for economic development

The Chair asked Mr. Baca what level of signature does someone need to show that this property is Ready for Reuse.

Mr. Baca's thoughts were that a letter coming from the Cabinet Secretary level were good enough for a lending institution.

The Chair asked its members if anyone disagreed just on the EPA question about signature

Mr. Chavarria stated that he did not disagree, but stated that he would feel more comfortable once the Bureau gets the opinion of their legal counsel on the potential liability on the State in the event of mishaps.

The Chair stated that he is sure the Bureau will go through each one in great detail, and know that there is no petroleum contamination that exceeds the States standards.

Mr. Davis stated that each site will have a full disclosure of the site history and current site conditions. Award of the certificate will be based on that documentation.

The Chair asked the Committee whether they agreed with Mr. Baca that, EPA did not need to sign off on these sites.

The Committee all agreed with Mr. Baca

The Chair then asked if the Cabinet Secretary signature should be required.

The Committee agreed it was fine to go to the Cabinet Secretary level.

Mr. Chavarria just wanted to state the liability issues one would take on with this signature.

Mr. Davis stated that was a very good point, and the Bureau will wait to see what the Office of General Counsel has to say regarding this issue. Then the Bureau will be in the position to move forward.

The Committee asked for an update at all meetings.

Item # 6 Prevention and Inspection

Mr. Kalvin Martin Prevention Inspection Program Manager, provided an update on the Prevention and Inspection Program.

Mr. Martin started off by stating that Mr. Baca has requested a collection of storage tanks by County.

The Committee asked for it to be sent as an e-mail attachment

The Committee discussed the handouts provided and reviewed the areas each inspector covers. Mr. Martin stated that he will provide the Committee with phone numbers for all inspectors.

Mr. Martin talked about compliance inspections. The program inspected about 250 underground storage tank facilities in the last three months. He stated that he felt confident that the programs will inspect 75% of UST facilities this year and feels that the program will meet the 3-year inspection frequency criteria of the federal energy policy act.

Mr. Martin stated that the program is seeing a slight decrease in compliance and he is contributing this to a couple of issues. 1) Recent inspection observations are showing an increase

in spill containments failing and 2) failure to have records available at the time of inspection, the records later become available.

Mr. Martin wanted to discuss outreach recently being provided. He stated that they did visit with the New Mexico Petroleum Marketers board of directors in July and the Program staffed a booth at the trade show; at which a number of owners came by to visit.

Mr. Martin attended an inspector's workshop and the program does compare well with other states.

The Chair wanted someone to address the issue with why the program is finding so many leaks for the above ground storage tanks.

Mr. Davis responded that the Bureau put together some statistics that looked at new releases over the last three years divided between UST's and AST's and then calculated the percentage of new releases based on the total number from both ASTs and USTs. AST releases were found to occur at approximately twice the rate in AST's when compared to UST's. The calculation is 1.2 percent of the UST's and about 2.5 percent of the AST's are making up new releases over the last three years. The number of new releases remain about the same, about 25 to 30 new releases in any given year – but this statistic fluctuates. Of these 25 or 30 about half are AST's and half are UST's. As the number of USTs is much higher than the number of ASTs, the leak rate for AST's is approximately twice as high as that for UST's.

Mr. Chavarria questioned if the Bureau tracked product volume lost due to volatilization with in the AST system, and what part of the system is failing

Mr. Davis responded the program is beginning to collect information on specific components in the system that has failed as a requirement of the 2005 Energy Policy Act. The program has redone the confirmed release data form. The program is now trying to answer the question, was it a failure of piping or a failure of the tank or maybe the dispenser or what ever it may be.

Mr. Davis stated if it was some type of vapor release then the Air Quality Bureau would handle that.

Mr. Martin stated the biggest concern about ASTs releases is through piping, spills or leaking of the tanks themselves.

Mr. Baca asked since the regulations went into effect has your program seen a difference in tank closures

Mr. Martin replied he hasn't really looked at those numbers but did state that there have been a good number of closures. There will be an upgrade requirement in 2011 that may result in additional tank closures.

The Chair asked if over time as the AST tanks are fully into the program, will the program see a drop off in the amount of percentage of leaks.

Mr. Davis replied, "Yes, I think so."

The Committee had no other questions

Item # 7 Update on Regulation Process

Ms. Jennifer Pruett, Tank Fee Manager, updated the Committee about the fee collection program. As of September 15, 2008 the program has completed 229 cases, most of which have resulted in the closing of tanks, files and owners accounts. As of that date the program has collected \$172,181 and declared \$1,101,200 uncollectable. She stated the program is holding pretty steady at the rate 14% collectible 86% uncollectible. They have collected from a couple of large accounts. Recent highlights include nearing completion on two payment plans that are relatively small (both under three thousand dollars); both of them only have one payment left. These are small single facility tank owners that just got way behind on their tank fees, a payment plan was worked out with them, so they are considered in compliance.

The program has done fees for closure settlements in Taos, Algodones, Clovis, Estancia, Gallup, and two in Amalia up by the Colorado border.

Ms. Pruett gave the Committee an update on the invoicing program; she stated that in late May the program sent out 950 invoices. In the last fiscal year FY08 the program collected a total of \$541,773.00 through June of 2008. Of that, about \$51,000.00 was delinquent fees and the remaining \$490,000.00 was annual fees. Most of the Program's monies come in June or July.

Ms. Pruett stated that starting next week the program will prepare and send out the second round of invoices for accounts receivable. These will only be sent out to owners delinquent for the current fiscal year and if no payment is received by December, Ms. Pruett will research and audit each account and sent them a personal demand letter.

Ms. Pruett updated the Committee on the August Stakeholder Meeting here in Santa Fe, on rule revisions and a presentation made on the conceptual plan for operator training rule requirements, and proposed revisions for corrective action fund administration and remediation rule revision. The meeting had moderate attendance of about 37 contractors and tank owners. The meeting got very positive feedback on Ready-for-Reuse concepts. One comment tank owners had at that meeting was to consider in-house operator training programs as an option.

The program is going to go to Farmington, Roswell and again in Santa Fe to reach out to stakeholders on regulations, and try and get some feedback and participation.

Mr. Baca had a comment; due to the tank ratio in areas, he would like the program to consider the next Stakeholders meeting moved to Albuquerque. Ms. Pruett agreed to look into and consider this.

The Chair asked that the Committee members be notified of all upcoming Stakeholders meeting.

Item # 8 Other Business

This is when the Committee wanted an update on the Radio Active and Industrial Material of the Legislative Committee.

Mr. Davis took the time to apologize to Mr. Aguilar for not notifying him of the meeting in Carlsbad.

Mr. Davis started off by introducing LeAnn Chavez who is the new Operating Budget Manager in the Bureau, she started 5 weeks ago.

Mr. Davis handed to members of the Committee a copy of the letter that Mr. Baca faxed to the Bureau last week. The Bureau presented it to the Legislative Committee last week as part of the record of what the Bureau presented in their meeting.

Mr. Davis had handouts for the Committee. This consisted of a draft letter the Bureau had put together for this Committee's consideration that would be sent to Representative Heaton as the Chair of the Hazardous Waste and Radio Active Committee.

Mr. Davis stated that the Bureau met last Monday morning with the Committee in Carlsbad. The Bureau provided a copy of the letter from Mr. Baca and the Bureau outlined the requirements of the 05 Energy Policy Act. They focused on the delivery prohibition aspects, because of the big change that the Federal law is requiring of the Bureau. They stood for questions from the Committee for over an hour.

Items that were highlighted at that meeting were, that EPA and the Bureau recognize the proposals for delivery prohibition 180 day grace period for facility's that are in very remote areas of the state.

The Committee in Carlsbad highlighted the need for public outreach and Stakeholder involvement.

The Committee would like the Bureau to come back; they will meet in Santa Fe December 1st and 2nd at a place yet to be determined. At that time they will consider draft statutory language.

Mr. Davis spoke about this upcoming session. He stated that it will not be a Governors' bill so the Bureau will be working with someone in the legislature. The Bureau will rely on the Chair and Mr. Baca to identify sponsors when the Legislative session gets started.

The Chair put the question to the Committee members if they would like to send or not

Mr. Baca responded, yes

The Chair asked if there were any edits or changes, since there were none a motion was called

Motion:

Mr. Baca moved to amend the Agenda

Mr. Aguilar seconded.

Motion passed unanimously.

The Committee noted the cc: list was fine

Item #9 Next Meeting is to be determined.

After discussion, the Committee decided the next meeting of the Storage Tank Committee will be held in Santa Fe, New Mexico, during the first or second week of December.

Item #10 Adjournment

The meeting adjourned at approximately 11:29 pm.

Action: Mr. Aguilar moved to adjourn the Meeting.

Mr. Briggs seconded.

The motion passed unanimously.

Petroleum Storage Tank Committee Chairman

